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FISCAL IMPACT STATEMENT

LS 6399

BILL NUMBER: SB 49

NOTE PREPARED: Jan 20, 2005

BILL AMENDED:

SUBJECT: Jurisdiction and Venue of Computer Crimes.

FIRST AUTHOR: Sen. Ford

BILL STATUS: As Passed Senate

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person may be convicted of an offense if the person's conduct constitutes an offense under Indiana law and either:

- (1) involves the use of the Internet or another computer network, and access to the Internet or other computer network occurs in Indiana; or
- (2) involves the use of electronic communication, including the Internet or another computer network, outside Indiana and the victim of the conduct resides in Indiana at the time of the conduct.

The bill provides that a trial for such conduct may be held in a county:

- (1) from which or to which access to the Internet or other computer network was made;
- (2) in which any computer, computer data, computer software, or computer network that was used to access the Internet or other computer network is located; or
- (3) in which the victim resides at the time of the conduct if the conduct involves the use of electronic communication and occurs outside Indiana, and the victim resides in Indiana at the time of the conduct.

Effective Date: July 1, 2005.

Explanation of State Expenditures: There are no data to indicate how many more people may be tried in Indiana as a result of granting jurisdiction for an offense that occurs over the Internet or another computer network, nor is there information to indicate the penalties for which offenders may be sentenced.

However, if additional offenders are sentenced to a term of incarceration in Indiana, costs for housing offenders

could increase. The average expenditure to house an adult offender was \$21,514 in FY 2004. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a felony is \$10,000, and for a misdemeanor, the maximum fee varies by class from \$500 to \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings or incarcerated in local facilities for misdemeanor convictions, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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